

REMARKS

Claim Rejections – 35 USC 102

Claim 38 is rejected under 35 U.S.C. 102(e) as being anticipated by Lin (Publication
5 No. U.S. 2004/0041571 A1).

Response:

Although the Examiner has cited the reference Lin (U.S. Publication No.
10 2004/0041571 A1) for rejecting claim 38, Lin and the instant application were commonly
owned by MediaTek Inc. at the time the invention of the instant application were made.
Both of the Lin reference and the instant application are developed and researched under
assignment and control of MediaTek. In addition, as the Lin reference and the instant
application are both considered as confidential in MediaTek, only the research and
15 development team has access to MediaTek's own work. Therefore, as a member of the
research and development team, the applicant has the knowledge of Lin reference while
researching and developing the claimed invention of the instant application. In
accordance with MPEP 716.10, the applicant believes that the cited Lin reference,
describing MediaTek's own fundamental work known and referenced by the applicant
20 while the instant application was made, is not a valid reference available as prior art under
35 U.S.C. 102(e).

In short, since the cited reference is not made by "another" according to 35 U.S.C.
102(e), the cited reference is disqualified from being used in a 102(e) rejection of the
25 claims of the instant application. A separate signed declaration under 37 C.F.R. 1.132 is
attached to this reply to formally indicate this fact. In light of above statements,
reconsideration of claim 38 is respectfully requested.

Appl. No. 10/711,789
Amdt. dated April 23, 2007
Reply to Office action of January 23, 2007

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Sincerely yours,

5 Winston Hsu Date: 04/23/2007

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